

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THURSDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND**

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 550 OF 2026

Writ Appeal under clause 15 of the Letters Patent Appeal Filed against the order
Dated 10/02/2026 Sin writ petition No.6326 of 2015. on the file of the High Court.

Between:

Prajay Gulmohar Gated Community Welfare Society, (Regn.No.1192/2013),
Rep. by its President, Ravi Krupa Sagar, S/o. R. Prakash Rao, Aged about 67
years, Occ- Retd. Employee, R/o. Flat No.96, Prajay Gulmohar Gated
Community Welfare Society, Kuntloor, Hyderabad

...APPELLANT

AND

1. The State of Telangana, Rep by its Principal Secretary, Municipal Administration and Urban Development Authority Secretariat Hyderabad.
2. The Hyderabad Metropolitan Development Authority,, Rep. by its Metropolitan Commissioner, Hyderabad.
3. The Commissioner and Director, Municipal Administration AC Guards, Hyderabad.
4. The Nagar Panchayat, Pedda Amberpet, Rep. by its Commissioner, Pedda Amberpet, Hayathnagar Mandal, Ranga Reddy District.
5. The Town Planning Officer,, Nagarpanchayat, Pedda Amberpet, Pedda Amberpet, Hayathnagar Mandal, Ranga Reddy District.
6. Smt. P. Bharatmma, W/o P. Mohan Reddy, aged about 56 years, Occ- Household, R/o H.No. 2-103, Kuntloor village, Hayathnagar Mandal, R.R. District.
7. Sri S. Yellaiah, S/o Late Kanthaiah, aged about 47 years, Occ- Business, R/o H.No- 14-82/1, P and T Colony, Dilsukhnagar, Hyderabad.
8. Sri P. Madhusudhan, S/o Anandam, aged about 42 years, Occ- Business, R/o Kamalanagar, Chaitanyapuri, Hyderabad.

9. M.Venkatesham,, S/o M.Balraj, Aged about 50 years, Occ- Business, R/o H.No.16-2-740/75/78, VKD Nagar, Gaddaynnaram, Dilsukhnagar, Hyderabad.
- 10.M/s Prajai Engineers Syndicate Limited,, Rep. by Chairman and Managing Director, Sri D. Vijaysen Reddy S/o Late DSP Reddy, aged 54 years, O/o Jubilee Hills, Plot No.1091 A, Road No.41, Near Peddamma Temple, Hyderabad

...RESPONDENTS

I.A. NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Order passed in W.P.No.6326 of 2015 dated 10/02/2026 passed by the Honorable Single Judge, pending disposal of the main Writ Appeal.

Counsel for the Appellant: SRI. KADARU PRABHAKAR RAO

Counsel for the Respondents No 1 & 3: Ms V. JAYASREE,

AGP FOR MCPL ADMN URBAN DEV

Counsel for the Respondent No.2: SRI V. NARSIMHA GOUD,

SC FOR HMDA

Counsel for the Respondent No.4 & 5: SRI SINGIREDDY RAVINDER REDDY,

STANDING COUNSEL

Counsel for the Respondent No.6: SRI G.V.RAMANA MURTHY

Counsel for the Respondent No.7 To 10:

Counsel for the Respondent No.11: SRI K. JAMALI

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.550 of 2026

Dated:13.08.2026

Between:

Prajay Gulmohar Gated Community Welfare Society

...Appellant

and

The State of Telangana,
Rep. by its Principal Secretary,
Municipal Administration and Urban Development Authority,
Secretariat, Hyderabad,
and 9 others.

...Respondents

JUDGMENT:

Learned counsel Sri Kadaru Prabhakar Rao appears for the appellant.

Ms. V.Jayasree, learned Assistant Government Pleader for Municipal Administration and Urban Development Department, appears for respondents No.1 and 3.

Learned counsel Sri V.Siddhartha Goud, representing Sri V.Narasimha Goud, learned Standing Counsel for Hyderabad Metropolitan Development Authority, appears for respondent No.2.

Sri Singireddy Ravinder Reddy, learned Standing Counsel, appears for respondents No.4 and 5.

Learned counsel Sri G.V.Ramana Murthy appears for respondent No.6 through video conferencing.

Learned counsel Sri K.Jamali appears for respondent No.11 in the writ petition.

2. A notice by the Nagar Panchayat Pedda Amberpet, Ranga Reddy District, dated 16.12.2014, asking the President of M/s. Prajay Engineers Syndicate Limited, Kuntloor, to submit a reply within three days as to why encroachment of roads be not removed, was made subject matter of W.P.No.6326 of 2015. The interim order of *status quo* remained till the impugned judgment was passed on 10.02.2026, *inter alia*, directing as under:

"10. This Court initially granted a *status quo* in this matter. Upon reviewing the counter-affidavit and the petitioner's layout plan, it is found that the area is not a gated community, and all the roads of the layout have been handed over to and shall be maintained by the Municipality, making them accessible to neighbouring layouts.

11. In view of the above, the Writ Petition is dismissed. However, the petitioner should still be given an opportunity to be heard before passing any final orders, and the official respondents are directed to follow the due process of law. There is no order as to costs."

Being aggrieved, the appellant, who is the writ petitioner, has preferred this appeal.

3. Respondents No.4 and 5 have been succeeded by the Greater Hyderabad Municipal Corporation (GHMC), who have to act upon the aforesaid notice. During the pendency of the writ petition, counter affidavits have been filed by Hyderabad Metropolitan Development Authority (HMDA), GHMC, respondent No.6 and respondent No.11 therein. The dispute raised before the learned writ court was whether the subject property forms part of the duly approved gated community layout or not. Construction of a road in a layout which is not a gated community cannot be allowed was the stand of respondents No.2 and 4. This issue whether the layout was a gated community or not should have to be left to be decided by the appropriate authority which issued the notice based upon the materials placed before him. However, since pleadings had been completed and stand of the respondents had also been brought on record, the learned writ court went on to observe at paragraph 10 that the area is not a gated community and all the roads of the layout have been handed over and shall be maintained by the Municipality making them accessible to the neighbouring layouts. The learned writ court dismissed the writ petition, however, allowing the

official respondents to follow due process of law after giving an opportunity of being heard to the appellant before passing the final orders, in effect, to take a decision on the impugned notice.

4. Learned counsel for the appellant submits that the observations made at paragraph 10 are likely to influence the decision to be taken by the appropriate authority, which is now GHMC. Therefore, the appellant has assailed the impugned judgment.

5. We have heard the learned counsel for the parties and taken note of the attendant material facts as are placed from the record.

6. In the compass of the facts noted above, since the challenge was only to a notice which threatened demolition of the boundary wall on the layout whether gated community or not, and the learned writ court left it open to the official respondents to follow due process of law after giving an opportunity of hearing to the appellant before passing final orders, the observations made at paragraph 10 of the impugned judgment would amount to comments on the merits of the issue whether the layout was a gated community or not, which was unnecessary while deciding the writ petition.

7. The matter has remained pending for eleven years since the impugned notice was issued. Therefore, we are of the considered view that a decision, if not already taken, should be arrived at by the concerned official respondents – GHMC, now the successor of the Nagar Panchayat, in accordance with law within a strict time frame, preferably within six weeks from the date of receipt of a copy of this judgment, without being influenced by the observations made at paragraph 10 of the impugned judgment. Till the decision upon the impugned notice is taken, no coercive steps be taken pursuant thereto in the meantime.

8. During the course of hearing, it has been pointed out by the learned Standing Counsel for HMDA that the appellant has filed another writ petition i.e., W.P.No.16566 of 2026, with the following prayer:

“...to issue appropriate writ, order or direction more particularly in the nature of Writ of Mandamus declaring the action of the 2nd respondent in trying to demolish the existing compound wall of petitioners Prajay Gulmohar Gated Community Welfare Society colony situated in Sy. Nos.112/P, 113/P and 114/P at Prajay Gulmohar, Kuntloor Village, Abdullapurmet Mandal, Ranga Reddy District, without issuing any prior notice, without giving any opportunity of hearing and without following due process of law and contrary to the orders passed by the Hon’ble High Court in W.P.No.6326 of 2015 dated 10.02.2026 as illegal, arbitrary, against the principles of natural justice and violation of Articles 14, 19, 21 and 300A of the Constitution of India and consequently direct the respondents not to demolish further the existing petitioners colony compound wall without following due process of law and pass...”

9. The aforesaid writ petition is still pending. Therefore, we do not wish to make any comments on the nature of the challenge made therein.

However, a copy of the instant judgment with an office note be placed along with the records of the said writ petition pending before the concerned court.

10. The instant appeal stands disposed of accordingly. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

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**SD/- MOHD. ISMAIL
DEPUTY REGISTRAR**

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Authority, State of Telangana, Secretariat Hyderabad.
2. The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Hyderabad.
3. The Commissioner and Director, Municipal Administration AC Guards, Hyderabad.
4. The Commissioner, Nagar Panchayat, Pedda Amberpet, Pedda Amberpet, Hayathnagar Mandal, Ranga Reddy District.
5. The Town Planning Officer,, Nagarpanchayat, Pedda Amberpet, Pedda Amberpet, Hayathnagar Mandal, Ranga Reddy District.
6. One CC to SRI. KADARU PRABHAKAR RAO, Advocate [OPUC]
7. Two CCs to GP FOR MCPL ADMN URBAN DEV. High Court for the State of Telangana, at Hyderabad [OUT]
8. One CC to SRI V. NARSIMHA GOUD, SC FOR HMDA [OPUC]
9. One CC to SRI SINGIREDDY RAVINDER REDDY, STANDING COUNSEL [OPUC]
10. One CC to SRI G.V.RAMANA MURTHY, Advocate [OPUC]
11. One CC to SRI K. JAMALI, ADVOCATE [OPUC]
12. Two CD Copies

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TKS

HIGH COURT

DATED: 13/08/2026

ORDER

WA.No.550 of 2026



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

(15)

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31/8/26